

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN DOUGLAS HOUSTON,

Defendant.

Case No. 3:25-mj-05045-DWC-TMC-1

ORDER DENYING MOTION TO SET
ASIDE ORDER OF TRANSPORT

Before the Court is Defendant John Douglas Houston's "Objection and Motion to Set Aside Magistrate Judge's Order of Transport." Dkt. 29. For the reasons explained below, the Court DENIES the motion.

I. PROCEDURAL HISTORY

Mr. Houston was arrested in this district on February 6, 2025 based on an arrest warrant and criminal complaint from the Western District of Oklahoma finding probable cause that Houston committed the offense of Interstate Travel to Avoid Prosecution in violation of 18 U.S.C. § 1073. Dkt. 1, 10. On March 12, 2025, U.S. Magistrate Judge David W. Christel held a hearing, denied Mr. Houston's motion to dismiss, ordered that he be transferred to the Western District of Oklahoma, and ordered him detained. Dkt. 23–26. On March 19, 2025, Mr. Houston

1 filed the present motion asking the Court to set aside the Magistrate Judge’s transfer order.
2 Dkt. 29. The motion was referred to the undersigned judge on March 20, and the Court ordered
3 the United States to respond by March 24. Dkt. 31. The United States has now responded,
4 Dkt. 33, and the motion is ripe for decision.

5 II. JURISDICTION


6 As Mr. Houston’s motion explains, even if there is not a statutory or rule-based right to
7 appeal a transfer order by a Magistrate Judge, “the Court may, in its discretion, exercise its
8 ‘general supervisory authority to review the decisions of a federal magistrate judge acting
9 pursuant to 28 U.S.C. § 636(b).’” *United States v. Steele*, No. MJ20-252MAT-RSL, 2020 WL
10 4726704, at *2 (W.D. Wash. Aug. 13, 2020) (quoting *United States v. Saldana-Beltran*, 37 F.
11 Supp. 3d 1180, 1185 (S.D. Cal. 2014)). The Court will exercise its discretion to review the
12 transfer order and consider the merits of Mr. Houston’s motion.

13 III. DISCUSSION

14 Mr. Houston argues that he cannot be ordered returned to the Western District of
15 Oklahoma because formal written approval of his prosecution under 18 U.S.C. § 1073 has not
16 been provided under the statute. Title 18 U.S.C. § 1073 provides: “Violations of this section may
17 be prosecuted only . . . upon formal approval in writing by the Attorney General, the Deputy
18 Attorney General, the Associate Attorney General, or an Assistant Attorney General of the
19 United States, which function of approving prosecutions may not be delegated.”

20 Mr. Houston argues that this provision deprives this Court of jurisdiction to conduct
21 proceedings under Federal Rule of Criminal Procedure 5 and transfer him to the district where
22 the warrant for his arrest was issued. Because the warrant was issued based on a criminal
23 complaint, Mr. Houston argues he is being prosecuted without written approval, in violation of
24 the statute.

IV. CONCLUSION


Tiffany M. Cartwright
United States District Judge